

228256

Indiana Trails Fund
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PO Box 402
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NOV 17 2010

15 November 2010

Cynthia Brown
Secretary
Surface Transportation Board
395 E. Street SW
Washington DC 20423-0001

ENTERED
Office of the Secretary

NOV 17 2010

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Public Record

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SURFACE
TRANSPORTATION BOARD

Re: Indiana Southwestern RR proposed abandonment in Posey and Vanderburgh
Counties, Indiana, AB-1065-Sub#0-X

Dear Secretary:

This request is filed on behalf of the Indiana Trails Fund, Inc., which is an Indiana not-for-profit corporation interested in preserving corridor land to make into walking trails, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization of approximately 17.2 miles of interconnecting rail lines (hereinafter, the "Lines") as follows: (1) between milepost 227.5 at Poseyville, Posey County, Indiana, and milepost 240.2 near German Township, Vanderburgh County, Indiana (approximately 12.7 miles); and (2) between milepost 277.5 at Cynthiana, Posey County, Indiana, and milepost 282.0 at Poseyville, Posey County, Indiana (approximately 4.5 miles).

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A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms.

Justification for this condition is:

The corridor would make an outstanding feature in the Posey and Vanderburg Counties' areas because of being able to connect the towns of Cynthiana to Poseyville and from Poseyville to the outskirts of Evansville near Skyline Airport.

The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to prepare a trails plan, and to negotiate terms of railbanking with the railroad.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

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B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by the property, known as the Indiana Southwestern Railroad, one section extending from railroad milepost 227.5 near Poseyville, Indiana, to railroad milepost 240.2 near German Township, Indiana, a distance of 17.2 miles in Posey and Vanderburg Counties, and another section extending from railroad milepost 277.5 near Cynthiana, Indiana, to railroad milepost 282.0 near Poseyville, Indiana, a distance of 4.5 miles in Posey County . The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1065(Sub-No. 0)X.

A map depicting the right-of-way is attached.

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Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Mr. William A. Mullins of Baker & Miller PLLC, at 2401 Pennsylvania Ave. NW, Suite #300, Washington, DC 20037, by U.S. Mail, postage pre-paid, first class, this 15th day of November, 2010 .

Respectfully submitted,

A handwritten signature in black ink, reading "Richard Vonnegut". The signature is written in a cursive, flowing style.

Richard Vonnegut,
President
on behalf of:
Indiana Trails Fund

Included:

Original

10 duplicates

1 state map

1 local map

ITF check #1590 for \$250 [for #27) (i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)]

92 COUNTIES WITHIN INDIANA



